

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

**PCSV INVESTMENTS, LLC**

*Plaintiff,*

v.

**WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY,**

*Defendant.*

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**CIVIL ACTION NO. 7:24-cv-404**

**DEFENDANT’S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, Westchester Surplus Lines Insurance Company (“Westchester”), files this Notice of Removal and respectfully shows that diversity subject-matter jurisdiction exists and removal is timely.

**I.  
REMOVAL IS TIMELY**

1. On April 3, 2024, Plaintiff PCSV Investments, LLC (incorrectly named as PSCV Investments, LLC) filed its Original Petition in the matter styled *Cause No. C-2781-24-L, PCSV Investments, LLC v. Westchester Surplus Lines Insurance Company* in the District Court of Hidalgo County, Texas, 464<sup>th</sup> Judicial District.

2. Westchester received notice of this lawsuit on September 23, 2024.

3. Under federal law, “notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based ....” 28 U.S.C. § 1446(b)(1).

4. Westchester files this Notice of Removal within the thirty-day time period. *See* 28 U.S.C. § 1446(b). Accordingly, removal of this action is timely.

**II.**  
**DIVERSITY OF CITIZENSHIP**

5. Removal is proper under 28 U.S.C. § 1332(a)(1), because there is currently complete diversity of citizenship, and complete diversity existed on the date the state court case was filed.

6. Plaintiff is a limited liability company existing under the laws of the State of Texas and all of its members are residents of Texas. (Pltf.'s Pet. ¶2.) Therefore, Plaintiff is a citizen of the State of Texas.

7. Westchester is an insurance company incorporated in the State of Georgia, with its principal place of business in the Commonwealth of Pennsylvania. Therefore, Westchester is a citizen of the State of Georgia and the Commonwealth of Pennsylvania.

8. There is diversity of citizenship.

**III.**  
**VENUE IS PROPER**

9. Venue is proper in the United States District Court for the Southern District of Texas, McAllen Division, under 28 U.S.C. §§ 124 and 1446, since it is the district and division within which such action is pending in state court.

**IV.**  
**AMOUNT IN CONTROVERSY**

10. The amount in controversy exceeds the \$75,000.00 threshold required to invoke this Court's jurisdiction. 28 U.S.C. § 1332(a).

11. Plaintiff alleges that it seeks monetary relief over \$250,000. (Pltf.'s Pet. ¶18.)

**V.**

**REMOVAL IS PROCEDURALLY CORRECT**

12. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81, attached hereto is:
- a. All process in the case (**Exhibit A**).
  - b. Pleadings asserting causes of action, *e.g.*, petitions, counterclaims, cross actions, third-party actions, interventions and all answers to such pleadings (**Exhibits B and C**);
  - c. All orders signed by the state judge (None);
  - d. The docket report (**Exhibit D**);
  - e. An index of all matters being filed (**Exhibit E**); and
  - f. A list of all counsel of record, including addresses, telephone numbers and parties represented (**Exhibit F**).

13. Pursuant to 28 U.S.C. § 1446(d), promptly after Westchester files this Notice of Removal, written notice of the filing will be given to Plaintiff.

14. Pursuant to 28 U.S.C. § 1446(d), promptly after Westchester files this Notice of Removal, a true and correct copy will be filed with the District Clerk of Hidalgo County, Texas.

**VI.**  
**CONCLUSION**

WHEREFORE, Westchester respectfully requests that this action now pending in Hidalgo County, Texas be removed to the United States District Court for the Southern District of Texas, McAllen Division, and for the Court to grant Westchester any such other and further relief to which it may be justly entitled, at law or in equity.

Respectfully submitted:

By: 

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**ATTORNEYS FOR DEFENDANT,  
WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

This certifies that, on October 8, 2024, the foregoing document was served on the following counsel of record pursuant to the Federal Rules of Civil Procedure.

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